

17

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

SHANE MATTHEW LUCAS

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

STATE OF MICHIGAN
14TH JUDICIAL CIRCUIT
MUSKEGON COUNTY

Muskegon
County
Public
Defenders
Office

FREDERICK D. JOHNSON SR. P36283
Kendria Robinson (P) 81272
Muskegon County Jail

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case: 1:21-cv-10584

Judge: Ludington, Thomas L.

MJ: Altman, Kimberly G.

Filed: 03-04-2021 At 10:54 AM

PRIS SHANE LUCAS V STATE OF MICHIGAN ET AL (SS

Jury Trial: ☐ Yes ☐ No
(check one)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name SHANE MATTHEW Lucas

All other names by which you have been known:

ID Number

596167

Current Institution

RBC

Address

Charles Egeler Reception and Guidance Center
3855 Cooper St.
Tackson, MI, 48201

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

ANNETTE ROSE SMEDLEY

Job or Title
(if known)

Judge Bar no. 63987

Shield Number

Employer

STATE OF MICHIGAN 14th Judicial Circuit

Address

Muskegon County 6th Floor Hall of Justice
990 TERRACE STREET Muskegon, MI, 49442

☐ Individual capacity

☒ Official capacity

Defendant No. 2

Name FREDERICK D. JOHNSON JR. P36283
 Job or Title Lead Public Defender.
 (if known)
 Shield Number -
 Employer Public defenders office.
 Address 115 E. APPLE Ave
MUSKEGON, MI, 49442

☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name Kendra Robinson (P) 81272
 Job or Title Public Defender
 (if known)
 Shield Number
 Employer MUSKEGON county Public defenders office
 Address 115 E. APPLE Ave
MUSKEGON, MI, 49442

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name Sgt. Myers
 Job or Title Sargent - C/O
 (if known)
 Shield Number
 Employer c/o MUSKEGON county Jail
 Address 990 TERRACE STREET
MUSKEGON, MI, 49440

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

① Inhuman treatment

② collaborating attorney

③ Unlawful imprisonment

④ Putting me in harms way
 During a ~~was~~ national pandemic

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

JUDGE Smedley Kendra Robinson,

FREDERICK D. Soltsen SA

3rd Myers L/O
must have said

Took my freedom for violation I did not commit 5 months after fighting I get hear on them and found not guilty and for all but one, being my first violation on state probation, it was a 5 to 10 day violation, I did six months during a Pandemic and she took me to trial and I was put through receiving and caught covid-19. Do to going to court room.

Collaborated with probation officer and prosecutor and the Bailiff for Smedley's court room, would not put no motions I ask for and lie too me repeatedly. If you see court via zoom cam, 9/24/2020 for motion to withdraw as Attorney, The Probation officer pops up to defend her on camera he was not ~~here~~ ~~there~~ ~~was~~ ~~suppose to be there~~

I sent him many letters and kept begging for help cause I knew something was wrong but got no response from him, he is supervisor for office.

Knew I was possible for Covid-19 and sent us too RAC and Lansing turned us away from 8AM to 3PM cuffed shackled together with 12 other and told us to pee on floor of ~~trans~~ transport ~~cause~~ cause there was no were to take us. It was all full.

And Due process for Trial was violated Did not get all say did six months during a Pandemic and she took me to trial and I was put through receiving and caught covid-19. Do to going to court room.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- * B. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

wrong full imprisonment, I was out on bond for case and violation for case April 24, 2020, I was put back in jail on more violations I did not commit on May 12, 2020, I Pleaded not guilty in front of Judge Smedley on May 15, 2020, Did not get another court date till August 19, 2020, for violation, I did not even go in the court room. They put violations on old violations which I still had bond for. Bond was never revoked, so after fighting my butt off, I got a hearing on violations case # 19-003049-FH, on October 1, 2020, 3:00pm. Beat all major violations, except one which is a 5 to 10 day violation, she did not sentence me until after trial on December 3, 2020, and due to keeping me in jail and going to trial I was put in Reciering again and caught covid-19. October 22, 2020 I caught covid-19.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

In muskegon county on 5, 12, 2020 to December 27, 2020
Jail
court via Zoom cam - and going to trial
and going back through reciering.
when I was already safe up stairs.
and the jail putting us in a Patty wagon to
RGC and then back to muskegon county jail.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

5, 12, 2020, ~~3:00 PM~~ 5, 15, 2020, August 19, 2020 10:AM
September 10, 2020 at 3:30 p.m. October 1, 2020 3:00PM
October 19, 20, 21, 22, 2020 December 27, 2020 8 PM to 3 PM

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

You can look up case # and see dates and times and watch the zoom videos,

You could contact RGC and see it was recorded we were turned away due to me having covid-19 =

Judge smelly refuse to release me for violation I was found not guilty for, and violated my due process for a jury trial, and because she took my freedom due to this Pandemic I got really sick cause I had to go back the receiving cause I went to trial.

~~#~~ Kendra Robison, continually lied to me, and getting date and time wrong on docket # numbers. You can watch video on zoom ~~September 10, 2020 at 3:30pm~~ ^{9/24/2020}, were my Probation officer come out of no where to defend my Attorney, on a motion for dismissal, There fore you can see that ~~she~~ ^{she} was calaberating with court and Probation officer, And I still ~~have~~ ^{have} Paper work from miss robison where is show's she got charges wrong on violations.

Fredrick D. JOHNSON SR.

I sent him a Dozen of kites and letters asking for help cause of the untimly manner in which I was being seen for my violation. No response

You can contact muskegon county jail and verify that Sargent, Myers, was the one to approve us going too RGC knowing I had covid, and we sat in that Paddy wagon from 8am to 3pm No Bathroom, water, food, Mr. Riddle had to pee on floor that's what transporting officers told us to do.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

My lung's are still not Right From cov-19
I had no medical treatment at all but tylenal
from nurse in county.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would wish for a proper examination from Doctors from the
world and They Pay for it and what ever treatment I need Amount
unknown? And for Pain and suffering 1.5 million

compasation for the inhuman act of keeping us in that Paddy-
wagon like that, Fifty thousand.

untawful imprisonment, The full amount allowed for each day I
was there
for a calaGerating Attorney, I'm seeking, A hundred thousand.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Muskegon County Jail

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

—

2. What did you claim in your grievance?

—

3. What was the result, if any?

—

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

—

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Because it happened due to court and Judge and then we was on Bus to go to prison, I Don't think a grievance can resolve these issues.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

NONE

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

None

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3-2-2021, 2021.

Signature of Plaintiff

Shane Lucas

Printed Name of Plaintiff

SHANE Lucas

Prison Identification #

596167

Prison Address

CHARLES EGELER Reception/Guidance Center

3855 Cooper Street

Jackson

Michigan

49201

City

State

Zip Code

Additional Information:

I am also filing a law suit against
Roosevelt Park Police Department for
Unnessisary force, Do to arrest on case,
at same time.

Please forgive my hand writing
They give us this real little pen and
I'm terrible anyway.

REC'D
38-50-100
JAN 13 2021

CLERK'S OFFICE
U.S. DISTRICT COURT

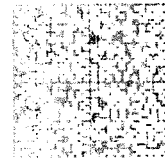
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